

thoroughly and properly the duties which my system proposes. I claim that the true interests of the people require that this system should be adopted. I believe that the public interests would not be subserved by a judge to a single county. I believe that litigation would multiply, and for this reason I say that my craft would be interested in carrying this into effect. I am against it. I look to the practice of my profession, it is true, for a livelihood, but I trust I shall never desire my own profits to be increased in this manner. I believe the greatest curse to a country is an inefficient judiciary. I wish to preserve my State and myself from it. I believe the best means of having a good judge is to give him plenty to do. No matter what his merits may be, when he goes upon the bench unless he has work to employ him, he will soon rust and become good for nothing. No man would think of employing a lawyer out of practice to try his cause; a judge without work is a lawyer out of practice, and you would select to decide your cause a man you would not permit for want of practice to try it. The best judge, is the judge best worked. If you make a county judge, his judicial duties will not occupy one-fourth of his time, and quite likely he will be a farmer. His thoughts will be upon his crops and his farm. His mind will be abstracted from his judicial duties. He will sink the judge in the farmer. In the hands of such a man, however honest and well-intentioned he may be, public justice will be uncertainly and badly administered. I desire a man upon the bench who will be a judge, and nothing but a judge; I desire that he should be paid reasonably and fairly. I would give him the necessary time for recreation, for intercourse with his family, for the improvement of himself, but his business hours should be the public's. In that way, and in that way only, I think we can have a safe, wise and efficient judiciary.

Mr. SPENCER said: I desire to make some remarks upon this subject. I regret that I should be compelled to submit what I have to say at this late hour of the day. In my judgment, this is one of the most important and interesting subjects that can be considered by this Convention. The gentleman from Somerset (Mr. Crisfield) and myself agree so much, that there is hardly a distinction between us. The main difference consists in this: he makes eight judicial districts, including the city of Baltimore, while I make nine judicial districts, including that city. Besides, he throws into the district in which I have the honor to reside, four counties instead of three, which I think is unreasonable, and I therefore object to it. But I subscribe to all the principles upon which he has conducted this discussion. I propose to exhibit to this Convention, in addition to what the gentleman has exhibited, evidence which must convince every mind that the district system, as recommended by him, is the correct system. The statistics which he has exhibited I should have exhibited had he not done so, and for the same purposes. I have used them throughout the

district in which I reside, to show the extravagant character of our judiciary. The gentleman from Prince George's, (Mr. Bowie,) who opposes this proposition, says that the statistics exhibited prove that justice without delay has been denied to the people of this State, and the necessary argument thereby is, that the responsibility is upon the bench, and there the responsibility must rest.

Mr. BOWIE. I say that the responsibility is upon the Convention, which does not choose to devise a different system, not upon the bench. I never intimated such an idea.

Mr. SPENCER. I understand my friend. Let that be as it may. The tendency of the remarks of the gentleman from Prince George's was to show that the delay in the trial of causes was attributable to the bench and not to the bar. I believe that there is fault on both sides; that the fault of protracted terms is with the bar as well as the bench. And now allow me to say to my friend from Somerset, (Mr. Crisfield,) that he has not given the true reason why the act of Assembly to which he referred was passed. The thing which gave rise to that act was this. When causes came up on the peremptory docket for trial, they could only be continued on legal grounds, of which the court were to judge. The court would not allow them to be continued upon the consent of counsel. It often happened that a cause came up for trial, and although the counsel in the case believed that justice required it should be continued, yet the courts were unwilling to be regulated by the wishes of the counsel, who would force it to trial. It was for this reason that the act of Assembly was passed. The fault found with the courts has been that they were disposed to press too much, regardless of the interest of parties, and the desire of counsel. Justice requires me to say that, in most cases, causes are continued, because the counsel are not ready. This statement I deem it my duty to make.

I now come to what I deem the more material part of this discussion, and I expect to argue this subject more by facts than by words. This is my purpose. The system as recommended by the gentleman from Prince George's cannot, in my judgment, be sustained. According to his estimates, leaving out of view the administration of justice by magistrates, the expenses of our present judiciary are \$71,200. He now proposes by his present system, to reduce the expenses of the judiciary to \$62,500. According to the schedule of expenses as first recommended by him, it was \$61,000, (as will be found by reference to page 310 of the journal.) But since that time we have had the bill under consideration and have added another judge to the court of appeals, at a salary of \$2,500, which makes the expenses now \$62,500. The gentleman from Somerset county has aspired to show that this State does not require a judge for every county in the State; that the business of the State will not justify it. In addition to what he has said, I will remark that so far as my county is concerned, it never would